05

SINGLE BENCH

(1)

C.K. 100/—

BEFORE THE HON'BLE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

WRIT PETITION NO. 4074 /2006

PETITIONER

Mukhtar, son of Shatir Ali, aged about 38 years, resident of Near Gayatri Mandir, Khursipar, Distt. Durg (C.G.)

P.R. No. 4142/06 Presented by Shri Amit Tiwari dated 1/8/06

VERSUS

RESPONDENTS

1. State of Chhattisgarh, through – the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)

3. The District Collector, District Durg (CG)

4. The Food Inspector, District Durg (CG)

RECEIVED-COPY 1/8/06 CLERK to A. G. BILASPUR

WRIT PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA.

The Petitioner, named above, respectfully submits as under:-

XI-HC-78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No.4074/06 **सन् 200**

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक एवं आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	22.08.2006. Shri T.K. Tiwari, learned counsel for the petitioner. Notice re-rule. Shri Sanjay S. Agrawal, learned G.A. takes notice for the State of Chhattisgarh. With the consent of learned counsel for the parties, the petition was heard finally. Common order passed in W.P. No.4071 of 2006, signed and dated. Sd/- Chief Justice	

P.T.O.

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HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, C.J.

WRIT PETITION NO. 4071 OF 2006

PETITIONER — Madan Yadav, son of Dhani Yadav, aged about 50 years, resident of New Khursipar, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through – the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector, District Durg (CG)
4. The Food Inspector, District Durg (CG)

WRIT PETITION NO. 4072 OF 2006

PETITIONER — Raju Lal, son of Late Shri Shivan Sao, aged about 41 years, resident of Contractor Colony, Bhilai, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through – the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller, Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector, District Durg (CG)
4. The Food Inspector, District Durg (CG)

WRIT PETITION NO. 4073 OF 2006

PETITIONER — Mohd Sayeed, son of Mohd Jahur, aged about 50 years, resident of Khertha, Bhilai, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh, Through – the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)

2. The Food Controller,
Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector,
District Durg (CG)
4. The Food Inspector,
District Durg (CG)

WRIT PETITION NO. 4074 OF 2006

PETITIONER Mukhtar, son of Shatir Ali, aged about 38 years, resident of Near Gayatri Mandir, Khursipar, Distt. Durg (C.G.)

Vs.

RESPONDENTS

1. State of Chhattisgarh,
Through – the Secretary, Civil Supply and Food Department, Dau Kalyan Singh Bhawan, Raipur (C.G.)
2. The Food Controller,
Department of Food & Civil Supply, Distt. Durg (C.G.)
3. The District Collector,
District Durg (CG)
4. The Food Inspector,
District Durg (CG)

Present : Shri T.K. Tiwari, learned counsel for the petitioner.
Shri Sanjay S. Agrawal, learned G.A. for the State/respondents.

ORAL ORDER

(Passed on 22nd August, 2006)

All the writ petitions deserve to be allowed on a short ground. The petitioners are licence holders under the Chhattisgarh Kerosene Dealers Licensing Order, 1979 (for short 'the Licencing Order'). It is stated that the Food Controller, Department of Food & Civil Supplies, District Durg, the second respondent herein, in each of these writ petitions, without issuing any notice to the petitioners has suspended the licences granted to them. These writ petitions are filed complaining that the impugned orders passed by the second respondent are violative of mandatory provision of the proviso to Clause 10 of Licencing Order. The proviso to Clause 10 provides that no order of cancellation or suspension of licence

shall be made under Clause 10 unless the licensee has been given a reasonable opportunity of stating his case against the proposed cancellation or suspension, as the case may be. Therefore, the impugned suspension orders cannot be sustained in law.

(2) In the result, the writ petitions are allowed. The impugned order in each of these writ petitions is quashed. However, this order shall not come in the way of the second respondent from passing appropriate order after notice to the petitioners and giving them opportunity of being heard.

Sd/-
Chief Justice